

USSN 10/824,244
Atty Docket 785-011767
Response to Office Action of May 24, 2005
Page 26

III. REMARKS

Claims 1-14 and 16-41 are in the case. Claims 1-14 and 16-41 stand rejected.

Claim Rejections - 35 USC 112

Claims 1-14 and 16-41 stand rejected pursuant to 35 USC 112 second paragraph as being indefinite for failing to particularly point out and distinctly claim the invention in that the phrase "in particular" is present in claim 2, the first two lines of claim 6 need to be deleted and the term "optionally" in claim 12 needs to be deleted.

The offending language has been deleted thus obviating this ground for rejection.

Claims 1-14 and 16-41 stand rejected pursuant to 35 USC 112 first paragraph as not being enabling for solvates or hydrates. The reference to solvates and hydrates has been deleted thus obviating this ground for rejection.

Claims 16-41 stand rejected pursuant to 35 USC 112 first paragraph as not being enabling for treating diseases other than for treating pain.

Claims 16-40 have been deleted thus obviating this ground for rejection.

Claim 41 has been amended to remove the reference to hydrates, thus obviating this ground for rejection.

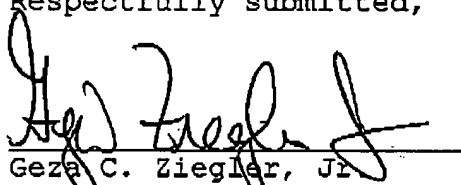
Applicant believes he has addressed all the grounds for rejection in the last office action and complied with the examiner's request for changes. For the foregoing reason, it is respectfully submitted that all of the claims now present in the

USSN 10/824,244
Atty Docket 785-011767
Response to Office Action of May 24, 2005
Page 27

application are clearly novel and patentable over the prior art of record, and are in proper form for allowance. Accordingly, favorable reconsideration and allowance is respectfully requested. Should any unresolved issues remain, the Examiner is invited to call Applicants' attorney at the telephone number indicated below.

The Commissioner is hereby authorized to charge payment of \$450.00 for a two-month extension of time and any fees associated with this communication or credit any over payment to Deposit Account No. 16-1350.

Respectfully submitted,


Geza C. Ziegler, Jr.
Reg. No. 44,004

24 OCTOBER 2005
Date

Perman & Green, LLP
425 Post Road
Fairfield, CT 06824
(203) 259-1800
Customer No.: 2512